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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,595

11/14/2003

Adam C. Braun

IMM078C

2009

7590

09/22/2006

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EXAMINER

THAI, TUAN V

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary
for Applications
Under Accelerated Examination**

Application No.

10/713,595

Applicant(s)

BRAUN ET AL.

Examiner

Tuan V. Thai

Art Unit

2186

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Since this application has been granted special status under the accelerated examination program,
NO extensions of time under 37 CFR 1.136(a) will be permitted and a SHORTENED STATUTORY PERIOD FOR
REPLY IS SET TO EXPIRE:**

**ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,
FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a *Quayle* action.
(Examiner: For **FINAL** actions, please use PTOL-326.)**

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 61-66 is/are pending in the application.
3a) Of the above claim(s) 1-60 is/are withdrawn from consideration.
4) ☐ Claim(s) _____ is/are allowed.
5) ☒ Claim(s) 61-66 is/are rejected.
6) ☐ Claim(s) _____ is/are objected to.
7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
9) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/29/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Art Unit: 2186

Part III DETAILED ACTION

Specification

1. This office action responsive to communication filed 12/29/2004. Claims 61-66 is presented for examination.

2. Applicant is reminded of the duty to fully disclose information under 37 CFR 1.56.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 61-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner can not find clear support in the original disclosure matching the scope of the limitation of "a computer-readable medium which encoded a computer program" as

Art Unit: 2186

being claimed. In fact, no "medium" can be found by the Examiner. The Examiner asks the Applicant to provide support for the these limitations.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follow:

Whoever invents or discloses any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

6. Claims 61-66 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The subject matters being claimed in claims 61-66 of the current invention are nonstatutory since they do not produce a useful, concrete and tangible result.

Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which

Art Unit: 2186

the invention was made.

8. Claims 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (USPN: 6,047,356); hereinafter Anderson.

As per claim 61; Anderson discloses the invention as claimed includes creating a representation of a device memory in a computer memory (e.g. see column 2, lines 32 et seq.; storing a force effect in a cache allocated in the computer memory (e.g. see column 3, lines 17 et seq.; determining whether the device memory can store said force effect by examining said representation of said device memory; and sending the force effect to the device memory (e.g. see abstract; column 9, lines 6 et seq.);

As per claim 62, Anderson discloses force effect is sent to the device memory only if the device memory can store the force effect (e.g. see column 2, lines 49 et seq.);

As per claim 64, the further limitation of storing a plurality of force effects in the cache in the computer memory regardless of whether the device memory comprises sufficient space to store the plurality of force effects (e.g. see column 8, lines 51 et seq.; column 10, lines 3 et seq.);

As per claim 65, Anderson discloses delaying the sending of said force effect to the device memory if the device memory is full (e.g. see column 10, lines 15 et seq.);

Art Unit: 2186

As per claim 66, Anderson discloses storing a plurality of force effects in the computer memory; sending one of the plurality of force effects to the device memory when one of the plurality of force effects is to be played; and replacing a force effect stored in said device memory with one of the plurality of force effects. Anderson discloses the invention as claimed, Anderson however does not particularly disclose a computer-readable medium encoded a computer program for performing the steps as being claimed in claims 61-66. However, one of ordinary skill in the art would have recognized that computer readable medium (i.e., floppy, cd-rom, etc.) carrying computer-executable instructions for implementing a method, because it would facilitate the transporting and installing of the method on other systems, is generally well-known in the art. For example, a copy of the Microsoft Windows operating system can be found on a cd-rom from which Windows can be installed onto other systems, which is a lot easier than running a long cable or hand typing the software onto another system. Therefore, it would have been obvious to put Anderson's program on a computer readable medium, because it would facilitate the transporting, installing and implementing of Anderson's program on other systems.

Allowable subject matter

9. Claim 63 is objected to as being dependent upon a rejected

Art Unit: 2186

base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. The prior arts of record do not teach nor suggest determining whether the device memory can store the force effect comprises comparing a priority of the force effect with a priority of a loaded force effect already stored in the device memory; and sending the force effect if the priority of the force effect is greater than the priority of the loaded force effect.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-41287. The examiner can normally be reached from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may

Art Unit: 2186

be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/September 17, 2006



Tuan V. Thai
PRIMARY EXAMINER
Group 2100